

Docket No.: PC20008A
S/N: 10/772,899
Filed: 02/05/2004

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REMARKS

Claims 21-23, 31-34 are pending.

Claims 21-23, 31-34 have been rejected under 35 USC §112.

Claims 21-23, 31-34 have been rejected under 35 USC §§102 and/or 103.

The Claims have been amended to further characterize the packet as having first and second portions and to describe the relationship between the two portions and tray. Support for the amendments can be found at paragraphs 0010 and 0014 of US Publication 2004/0217036 and claims as originally filed.

Rejection under 35 USC § 112

Claims 21-23 and 31-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Specifically, the Examiner notes that the phrase "for holding a single does of the personal care product that is in a film dosage form" is inaccurate and indefinite because it should be "*each packet* for holding a single dose." The Examiner additionally notes that the phrases "the pouch portion", "the tab portion", "each sheet", and "the tray" as used in claims 21-22 and 31 lack proper antecedent basis. The Examiner further notes that the phrases "the does is held" in claim 23 and "the personal case product comprises..." in claim 32 define the packaged product in reference to individual does of the personal care product, which limitation, the Examiner argues, is undefined and has not been positively claimed. Applicant has addressed each of the above items by amending the claims as suggested by the Examiner. This should obviate the Examiner's rejection.

Rejection under 35 USC §§ 102

The Examiner has rejected claims 22, 23, 32 and 33 under 35 U.S.C § 102 (b) as being anticipated by Boettger (5,259,499).

Applicant respectfully traverses this rejection.

Boettger relates to improved methods and apparatus designed to facilitate the dispensing and inventory control of medications is provided, preferably in the form of a book containing a plurality of transparent bags. The bags, in turn, comprise medication dosage forms.

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Boettger, however, nowhere teaches packaged supplies of packets for personal care products in a tray, each packet having first and second portions, and where *each packet is attached to the tray* and arranged in a tray such that the topmost packet in the tray is sufficiently exposed relative to the tray *for the second portion of the packet to be gripped, allowing the second portion to be pulled away from the first portion of the packet*, thereby removing that second portion of the packet with the product from the tray.

Absent such a teaching, the device of the present invention, as amended, is not anticipated by this reference.

Rejection under 35 USC § 103

The Examiner has rejected claims 21, 31 and 33-34 as being obvious under 35 U.S.C § 103 Boettger in view of over Niwa (5,613,779) and Batchelor (4,889,238) and in further view of Velch (5,630,5460).

Applicant respectfully traverses this rejection.

As noted above, Boettger relates to improved methods and apparatus designed to facilitate the dispensing and inventory control of medications is provided, preferably in the form of a book containing a plurality of transparent bags.

Nowhere, however, does Boettger teach or suggest packaged supplies of packets for personal care products in a tray, each packet having first and second portions, and where *each packet is attached to the tray* and arranged in the tray such that the topmost packet in the tray is sufficiently exposed relative to the tray *for the second portion of the packets to be gripped, allowing the second portion to be pulled away from the first portion of the packet*, thereby removing that second portion of the packet with the product from the tray.

Therefore, since Boettger fails to teach the claimed packaged supply device, as amended, the present invention would not have been obvious over this reference.

Nor would the device of the present invention have been obvious over Boettger in view of Niwa, Batchelor, or Velch, either alone or in combination.

Niwa relates to a pouch adapted to accommodate medicine or the like comprising first and second compound films forming front and back surfaces of a pouch.

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Batchelor relates to a medicament package for improving compliance comprising a plurality of medications administered to a patient in a prescribed sequence and in accordance with specified intervals.

Velch relates to a point of sale display system comprising a printed poster having a novel brochure holder attached to one face thereof.

Nowhere do any of the above-cited references teach or suggest packaged supplies of packets for personal care products in a tray where each packet is attached *to the tray* and arranged in the tray such that the topmost packet in the tray is sufficiently exposed relative to the tray for the second portion of the packets to be gripped, *allowing the second portion to be pulled away from the first portion of the packet*, thereby removing that second portion of the packet with the product from the tray.

Therefore, since neither Boettger, Niwa, Batchelor, nor Velch teach or suggest the claimed packaged supply device, as amended, the present invention would not have been obvious over these references either alone or in combination.

Conclusion

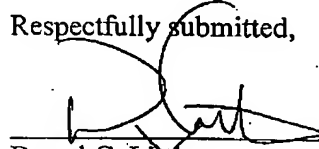
Therefore, in light of the amendments and remarks made herein, it is respectfully submitted that the rejection under 35 USC §§ 102 and 103 has been overcome. Applicant respectfully submits that he has distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, reconsideration and allowance of Claims 21-23 and 31-34 are earnestly solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the number listed below.

Date

3/23/07

Respectfully submitted,


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